

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

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CHARLES H. HILL,	)	3:13-cv-00382-LRH-WGC
Plaintiff,	}	
v.	}	ORDER
DEBRA A. BOOKOUT,	}	
Defendant.	}	
	}	

Before the court are four motions filed by Plaintiff Charles H. Hill (“Hill”): (1) Motion for Reconsideration of the court’s Order dismissing Hill’s complaint with prejudice (Doc. #44)<sup>1</sup>; (2) Motion to Amend the Caption to the Magistrate Judge’s September 15, 2014 Order (Doc. #45); (3) Amended Motion for Reconsideration (Doc. #46); and (4) Request for Order on Admission of Document (Doc. #47). Defendant Debra A. Bookout (“Bookout”) did not respond.

The court has interpreted Hill’s complaint as an ineffective assistance of counsel claim against Bookout related to her representation of Hill in the related habeas corpus action, *Hill v. Palmer*, No. 3:11-cv-0048-MMD-VPC. *See* Doc. #6 at 5. In the habeas case, the court appointed the Federal Public Defender for the District of Nevada to represent Hill. On July 19, 2011, Bookout filed a Motion to Voluntarily Dismiss the habeas action on Hill’s behalf. Subsequently, Hill filed several documents stating that he did not wish to dismiss his habeas claim, and requesting that the court appoint new counsel. The court relieved the Federal Public Defender as counsel on January 4, 2012, and appointed Jeffrey S. Blanck (“Blanck”) as counsel on August 24, 2012. Thereafter, Hill filed a number of pro se motions, and Blanck filed a lengthy response to the court’s order to show cause on March 22, 2013. The court dismissed

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<sup>1</sup> Refers to the court’s docket number.

1 Hill's habeas petition as untimely on December 22, 2014.

2 Hill filed his complaint against Bookout, labeled as a "Bivens Action," on April 16, 2012,  
3 and a motion for leave to proceed *in forma pauperis* on July 17, 2013. Doc. #1. On August 5,  
4 2013, the Magistrate Judge recommended that the court grant Hill's motion for leave to proceed  
5 *in forma pauperis* and dismiss Hill's complaint with prejudice. Doc. #6. The court adopted the  
6 Magistrate Judge's Report and Recommendation in its entirety on September 16, 2013. Doc.  
7 #12. Following Hill's appeal, the Ninth Circuit Court of Appeals affirmed the court's dismissal  
8 of Hill's claim against Bookout with prejudice on August 19, 2014. Doc. #36. Hill filed his  
9 Motion for Reconsideration on September 18, 2014 (Doc. #44), and an Amended Motion for  
10 Reconsideration on October 8, 2014 (Doc. #46).

11 Hill argues that newly discovered evidence warrants reconsideration of the court's Order  
12 dismissing his complaint with prejudice. *See* Fed. R. Civ. P. 60(b) (permitting a court to grant  
13 relief from a final judgment); *Sch. Dist. No. 1J, Multnomah Cnty., Or. v. ACandS, Inc.*, 5 F.3d  
14 1255, 1263 (9th Cir. 1993) ("Reconsideration is appropriate if the district court (1) is presented  
15 with newly discovered evidence . . ."). The purported newly discovered evidence to which Hill  
16 refers is a letter in which Federal Public Defender Megan Hoffman ("Hoffman") stated that her  
17 office no longer represented Hill and would not provide him with copies of dockets or other  
18 information about his case. *See* Doc. #46, Ex. A. Hoffman added that all documents related to  
19 Hill's case had already been provided to his new attorney, Blanck. *Id.* Finally, in response to  
20 Hill's request that the Federal Public Defender's office provide investigative reports, Hoffman  
21 stated that no such reports had been generated. *Id.*

22 Hill has not met his burden to explain why this letter impacts the court's order dismissing  
23 his complaint for failure to state a claim upon which relief can be granted. The Magistrate Judge  
24 emphasized that Hill cannot show that he suffered any injury as a result of Bookout's conduct.  
25 Doc. #6 at 6. Specifically, when Hill informed the court that he did not wish to dismiss his  
26 habeas claim, he was given a chance to respond to the order to show cause, and Blanck  
27 subsequently filed a response on Hill's behalf. *Id.* The court reaffirms its adoption of the  
28 Magistrate Judge's Report and Recommendation; any harm caused by the motion for voluntary

1 dismissal was relieved when Hill was granted new counsel who responded to the court's order to  
2 show cause. The letter from Hoffman does not impact this finding, and therefore does not  
3 constitute "newly discovered evidence" to justify reconsideration under Federal Rule of Civil  
4 Procedure 60(b). Accordingly, the court denies Hill's Motion for Reconsideration of its Order  
5 dismissing Hill's claim against Bookout with prejudice.

6 Hill also requests that the court amend the caption on the Magistrate Judge's September  
7 15, 2014, Order. Doc. #45. Hill is correct that this caption inadvertently identified the defendant  
8 as Isidro Baca rather than Bookout. The court therefore grants Hill's Motion to Amend/Correct  
9 this caption to identify Debra A. Bookout as the Defendant rather than Isidro Baca.

10 Finally, Hill moves the court to issue an order on a previous request for certain  
11 documents. Doc. #47. This motion refers to a "status check request" that included a number of  
12 requests, including that the court provide Hill with Bookout's home address. Doc. #35. After  
13 the Ninth Circuit affirmed the court's dismissal of Hill's complaint with prejudice, the  
14 Magistrate Judge denied the requests in Doc. #35 as moot. Doc. #39. Hill has not identified any  
15 compelling reason to depart from the Magistrate Judge's decision to deny Doc. #35.  
16 Accordingly, Hill's request to issue an order on this "status check request" is denied.

17 IT IS THEREFORE ORDERED that Hill's Motion for Reconsideration (Doc. #44) is  
18 DENIED.

19 IT IS FURTHER ORDERED that Hill's Amended Motion for Reconsideration (Doc.  
20 #46) is DENIED.

21 IT IS FURTHER ORDERED that Hill's Motion to Amend/Correct the Caption in the  
22 Magistrate Judge's September 15, 2014, Order (Doc. #45) is GRANTED.

23 IT IS FURTHER ORDERED that Hill's Request for an Order on Admission of  
24 Document (Doc. #47) is DENIED.

25 IT IS SO ORDERED.

26 DATED this 8th day of August, 2015.

27   
28 LARRY R. HICKS  
UNITED STATES DISTRICT JUDGE